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## Overview

This bill requires all private party firearms transfers to be processed through a federal firearms license holder and for a private party transferee to pass a National Instant Criminal Background Check System (NICS) background check before a firearm may be transferred between private parties.

### Section

- 1**      **Transfer without background check.** Establishes a gross misdemeanor penalty for persons who transfer firearms without using a licensed dealer (see section 3). A subsequent violation is a felony.
- 2**      **Exclusions.** Excludes firearms transfers between private parties from the report of transfer requirement that currently applies to transfers of pistols and semi-automatic assault weapons from dealers to unlicensed persons.
- 3**      **Transfers by unlicensed persons; background check required.**
  - Subd. 1. Definitions.** Defines “federally licensed firearms dealer,” “firearm,” “law enforcement agency,” “peace officer,” “person,” “transfer,” transferee,” “transferor,” and “unlicensed person” for purposes of this section. The definition of “firearm” includes pistols, semi-automatic assault weapons, and long guns.
  - Subd. 2. Background check required.** Establishes a requirement that all firearms transfers be preceded by a background check of the transferee.

## Section

**Subd. 3. Background checks conducted by federally licensed firearms dealer.** Requires firearms transfers between private parties to be conducted through a licensed firearms dealer.

**Subd. 4. Compliance with law.** Requires a dealer who has agreed to facilitate a transfer to process the transfer as if the firearm came from the dealer's own inventory and comply with all aspects of federal and state law relating to the transfer, including conducting a background check and record keeping.

**Subd. 5. Transfer prohibited.** Prohibits a private party transfer if the transferee is firearm-ineligible.

**Subd. 6. Leaving firearm with federally licensed dealer.** Addresses the removal of the firearm by the prospective transferor from the dealer's possession in certain instances.

**Subd. 7. Report of transfer not required.** Exempts transfers between non-dealers from the transfer report law.

**Subd. 8. Dealer fee.** Permits dealers to charge a reasonable fee for their role in private party transfers.

**Subd. 9. Exclusions.** Provides exceptions to the requirements of this section for certain transfers including those involving dealers, law enforcement agencies and public safety officers, and family members, and transfers at death or of curios, relics, or antique firearms, and certain specified temporary transfers.

**4 Repealer.** Repeals two crimes involving firearm transfers to unknown parties and/or without a background check. These situations are addressed by sections 1 and 3.

**5 Effective date.** Effective on August 1, 2018, for crimes committed on or after that date.